

Message Text

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FM SECSTATE WASHDC

TO AMCONSUL CAPE TOWN

AMCONSUL JOHANNESBURG

C O N F I D E N T I A L STATE 076389

FOLLOWING TELEGRAM FROM ANTANANARIVO DATED MARCH 22, 1978
SENT SECSTATE WASHDC, PRETORIA, BUENOS AIRES IS REPEATED
TO YOU: QUOTE

C O N F I D E N T I A L ANTANANARIVO 0515

E.O. 11652: GDS

TAGS: CARR MA (LAPPEMAN, EDMUND H)

SUBJ: W/W ARREST: EDMUND H. LAPPEMAN

1. MILITARY COURT HAS CONDEMNED LAPPEMAN, WIGHT AND
MARAIS TO FIVE YEARS IMPRISONMENT WITH ONE YEAR CREDIT
FOR TIME ALREADY SERVED. PROSECUTING ATTORNEY HAD ASKED
FOR FIFTEEN YEARS HARD LABOR FOR LAPPEMAN AND MARAIS
AND TWENTY YEARS FOR PILOT WIGHT. ALTHOUGH SENTENCE HAS BEEN
PRONOUNCED, THE TEXT OF THE JUDGMENT HAS NOT YET APPEARED.
WE DO NOT KNOW, THEREFORE, WHETHER MEN RECEIVED RELATIVELY
LIGHT SENTENCE FOR ESPIONAGE OR WHETHER COURT JUST GAVE
THEM MAXIMUM SENTENCE FOR ILLEGAL ENTRY INTO MALAGASY
AIRSPACE, WITHOUT QUESTION OF ESPIONAGE. MCNAMARA AND
SICARD ARE AT PRESENT INCLINED TO APPEAL VERDICT TO
COURT OF CASSATION WHICH WOULD TAKE THREE TO SIX MONTHS,
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BUT WILL NOT MAKE FINAL DECISION UNTIL THEY HAVE CONSULTED
WITH LAPPEMAN AND SEEN TEXT OF JUDGMENT.

2. COMMENT: APPEAL WOULD HAVE, AT THE VERY MINIMUM,
THE ADVANTAGE OF KEEPING THE MEN IN THE CENTRAL PRISON IN
THE CAPITAL RATHER THAN HAVING THEM SENT OUT TO SERVE
SENTENCES IN BACKCOUNTRY. IF SUCCESSFUL IT WOULD REQUIRE A NEW

TRIAL. ALTHOUGH IT WOULD PRECLUDE POSSIBILITY OF EARLY PETITION FOR EXECUTIVE CLEMENCY, THROUGH JUDICIAL CHANNELS, SINCE THIS CANNOT BE DONE WHILE CASE IS UNDER APPEAL, IT WOULD NOT STOP FURTHER DIRECT APPEALS FOR PRESIDENT RATSIRAKA SUCH AS THOSE OF SENATORS KENNEDY AND HUMPHREY OR FROM THE OAU. POSSIBILITY NEVERTHELESS EXISTS THAT RATSIRAKA WOULD USE PRETEXT THAT JUDICIAL PROCEEDINGS STILL IN PROCESS TO POSTPONE DECISION ON SUCH DIRECT APPEALS.

3. ACTION REQUEST: MCNAMARA REQUESTS THAT INFORMATION IN PARA ONE BE PASSED ON TO HIS OFFICE BY DEPARTMENT AND BY AMEMBASSY BUENOS AIRES TO CHRISTIAN SOMBORN, TELE 462984, 462806, OR 463040. BUENOS AIRES SHOULD ALSO TELL SOMBORN THAT MCNAMARA WOULD LIKE TO INFORM LAPPEMAN'S FAMILY, I.E. WIFE IN US AND SISTER IN SWITZERLAND. MCNAMARA PLANS TO LEAVE MADAGASCAR THIS WEEK, WILL BE BACK IN US SATURDAY, MARCH 25, AND WILL BE COMMUNICATING FURTHER INFORMATION TO SOMBORN AND FAMILIES.

4. FOR PRETORIA: WOULD PREFER THAT ANY INFORMATION PASSED TO DEPARTMENT OF FOREIGN AFFAIRS BE CONFINED TO SENTENCE PRONOUNCED. WE HAVE FROM THE BEGINNING TRIED TO SEPARATE THE CASE OF LAPPEMAN FROM THAT OF THE SOUTH AFRICANS AND WE WISH TO AVOID ANY SEMBLANCE OF COOPERATION WITH SOUTH AFRICA ON THIS CASE. BARRETT UNQUOTE VANE

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